



U.S. Department of Justice

*United States Attorney
Southern District of New York*

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86 Chambers Street
New York, NY 10007

March 4, 2020

BY ECF

Honorable Lewis J. Liman
United States District Judge
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, NY 10007

Application GRANTED. The Initial Pretrial Conference is RESET to April 20, 2020 at 4:00 p.m. The parties shall submit a Case Management Plan and Scheduling Order one week in advance.

3/4/2020

LEWIS J. LIMAN
United States District Judge

Re: *Simmons v. Wilkie, et al.*, No. 19-cv-7151 (LJL)

Dear Judge Liman:

This Office represents Defendant Robert Wilkie, in his official capacity as the Secretary of Veterans Affairs, and the U.S. Department of Veterans Affairs, the above-referenced matter. An initial conference is currently scheduled for Friday, March 6, 2020 at 2:30 p.m., and Defendants' deadline to respond to Plaintiff's Complaint is April 13, 2020.¹ With Plaintiff's consent, I write to respectfully request that the conference be adjourned to April 17, April 20 or April 21, 2020, or a date thereafter convenient to the Court.

The adjournment is sought to allow Defendants to file their response to the Complaint (and Plaintiff to review it) before the parties confer regarding the matters set forth in the Court's template Civil Case Management Plan and Scheduling Order and in advance of the initial conference. In addition, the adjournment is sought to allow the Government additional time to review the record of this case and to assess the facts and claims asserted in the Complaint.

Per Your Honor's Individual Rules, I conferred with the office of Plaintiff's counsel today, March 4, 2020, via telephone, and Plaintiff has consented to this request. This is the first request for an adjournment of this conference. The parties are available any time after 2:00 p.m. on April 17 and any time on April 20 or April 21, 2020.

¹ Service on the United States requires Plaintiff to "deliver a copy of the summons and of the complaint to the United States attorney for the district where the action is brought—or to an assistant United States attorney or clerical employee whom the United States attorney designates in a writing filed with the court clerk" or "send a copy of each by registered or certified mail to the civil-process clerk at the United States attorney's office." Fed. R. Civ. P. 4(i)(1)(A). This Office was served on February 11, 2020. The Government's deadline to respond to the Complaint is accordingly April 13, 2020. See Fed. R. Civ. P. 6(a)(1), 12(a)(2).

I thank the Court for its consideration of this matter.

Respectfully,

GEOFFREY S. BERMAN
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By:

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